

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ANGELINA JOAN ZIA, Minor.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
March 21, 2006

Petitioner-Appellee,

v

DARLENE VIRGINIA ZIA,

Respondent-Appellant.

No. 264412
Macomb Circuit Court
Family Division
LC No. 2004-057595-NA

Before: Neff, P.J., and Saad and Bandstra, JJ.

MEMORANDUM.

Respondent appeals as of right from an order that terminated her parental rights to her minor child pursuant to MCL 712A.19b(3)(g), (i), and (j). We affirm.

The trial court did not err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

Two prior orders of termination of parental rights were entered into evidence, and respondent admitted to the prior terminations. The first occurred because her friend “Pete” did not want the baby and she had nowhere to live. The second occurred because she refused to take her medication. The prior terminations alone served as a basis for termination pursuant to MCL 712A.19b(3)(i). The evidence was also sufficient to justify termination pursuant to MCL 712A.19b(3)(g) and (j). Respondent suffered from serious mental health issues. Even after having been hospitalized for some time, her inability to answer the most basic questions was evident from the record. Respondent testified that she received SSI and that she planned on taking the child to a homeless shelter if the child was returned to her care. It is clear that, without regard to intent, she currently cannot provide the child with proper care or custody and cannot do so within a reasonable amount of time. Additionally, because respondent suffered from significant mental health issues, the child would have likely been harmed if returned to her care.

Having found that there was a statutory basis for termination, the trial court was required to terminate respondent’s parental rights unless there is clear evidence on the whole record that

termination was not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Respondent suffered from serious mental health problems that continued despite hospitalization. There is no evidence to show that petitioner is likely to make adequate progress. Clearly, the child is entitled to permanency and stability.¹

Affirmed.

/s/ Janet T. Neff

/s/ Henry William Saad

/s/ Richard A. Bandstra

¹ Respondent argues that the trial court erred in terminating her parental rights without taking additional evidence following the adjudication trial. However, petitioner sought termination at the initial disposition. Additionally, contrary to respondent's assertions, she was given an opportunity to present additional evidence at a dispositional hearing. No further proofs were offered by either party and respondent's attorney made a brief closing statement.